

Iowa Department of Natural Resources  
Natural Resources Commission

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ITEM

7

DECISION

TOPIC

Notice of Intended Action – Chapter 15 – General License Regulations

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The Commission is requested to approve the attached Notice of Intended Action to amend Chapter 15 “General License Regulations.” This amendment is proposed to revise the rules to remain consistent with electronic license sales contract and equipment upgrades and for general organization and clean up.

The Electronic Licensing System for Iowa (ELSI) has successfully sold hunting and fishing licenses since 2001 and has been well received by both license sellers and buyers. The department has executed a new contract with the existing vendor to which includes the transition to a new system (ELSI 2). ELSI 2 will incorporate new technology and move to a web-based system. These changes offer a number of improvements to the current system that benefit license sellers and buyers as well as the department. Changes to the existing rule are required in order to be consistent with the new electronic license sales system.

The proposed amendment rescinds the prior chapter and adopts a new one. The amendments will update from the original ELSI license sells procedures to ELSI 2 procedures and technology. Adoption will also provide for organization and general clean up. It is proposed to have an effective date to coincide with ELSI 2 switch over, projected to be late summer 2009. There are no fee changes proposed with this rule.

Mark R. Warren, Executive Officer  
Customer Service Bureau  
Management Services Division  
February 12, 2009

Attachment: Notice of Intended Action: Chapter 15, General License Regulations

NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action

**Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 15 “General License Regulations,” and adopt a new Chapter 15 with the same title, Iowa Administrative Code.**

The proposed amendment rescinds the prior chapter and adopts a new one. This amendment revises the rules to remain consistent with a new electronic license sales contract for the Electronic Licensing System of Iowa 2 and the associated equipment upgrades. The amendment also reorganizes to provide the regulations in a more intuitive order and to anticipate and allow for future changes to other portions of the rule. No fee changes are proposed in the rule.

Any interested person may make written suggestions or comments on the proposed new Chapter 15 on or before March 31, 2009. Such written materials should be directed to Mark Warren, Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa, 50319-0034; fax (515)281-6794; or E-Mail Mark.Warren@dnr.iowa.gov. Persons who wish to convey their views orally should contact Dave Cretors at (515)281-8907 or at Mark Warren's offices on the fourth floor of the Wallace State Office Building.

This amendment is intended to implement Iowa Code chapters 321G, 456A, 462A, 481A, 481B, 482, 483A, 484A, and 484B.

The following amendment is proposed.

**Rescind 571—Chapter 15 and adopt the following new chapter in lieu thereof:**

## **CHAPTER 15**

### **GENERAL LICENSE REGULATIONS**

571—15.1(483A) Scope. The purpose of this chapter is to provide rules for license sales, refunds and administration; implement the wildlife violator compact and multiple offender penalties; implement special licenses available for hunting and fishing; and describe and implement certification and education programs of the department of natural resources.

## **DIVISION I**

### **LICENSE SALES, REFUNDS AND ADMINISTRATION**

571—15.2(483A) Definitions. For the purposes of this division of the rules, the following definitions shall apply:

“Administration fee” means the fee collected by the department to pay a portion of the cost of administering the sale of licenses through electronic means.

“Department” means the department of natural resources.

“Director” means the director of the department of natural resources.

“License” means any license or privilege issued by the department to an individual for hunting or fishing in the state of Iowa. There are multiple types of licenses described in these rules.

“License seller” means a retail business establishment, an office of a government entity, or a nonprofit corporation designated by the director to issue licenses to the public. For the purposes of Chapter 15, “license sellers” shall be synonymous with “depositories” as used in Iowa Code chapter 483A.

“Licensee” means the person who applies for and receives a license under these rules from the department.

“Retail” means the sales of goods or commodities to the ultimate consumer, as opposed to the sale of goods or commodities for further distribution or processing.

“Wholesale” means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer.

**571—15.3(483A) Form of licenses. All licenses shall contain a general description of the licensee. Individual license applicants must also provide their date of birth and either their social security number or a valid Iowa driver's license number at the time of application. The license shall be signed by the applicant. The license shall clearly indicate the privilege granted.**

**571—15.4(483A) Administration fee. An administration fee of 50 cents per privilege purchased shall be collected from the purchaser at the time of purchase, except upon the issuance of free landowner deer and turkey licenses, free annual hunting and fishing licenses, free lifetime fishing licenses, and free group home fishing licenses.**

**571—15.5(483A) Electronic license sales.**

**15.5(1) The director may designate a retail business establishment, an office of a government entity, or a nonprofit corporation as a seller of electronically issued licenses in accordance with the provisions of this rule. The provisions of 571—15.6(483A) shall not apply to a license seller engaging in, or applying to engage in, the electronic sale and issuance of licenses.**

**15.5(2) Application. Application forms to sell electronically issued licenses may be secured by a written or in-person request to the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. The following information must be provided on the application form:**

- a. The legal name, address, and telephone number of the entity applying for designation;**
- b. The hours open for business and general service to the public;**
- c. A brief statement of the nature of the business or service provided by the applicant;**
- d. Type of internet connection used for accessing the electronic license sales system (dial up or high speed); and**
- e. A signature by an owner, partner, authorized corporate official, or public official of the entity applying for designation.**

**15.5(3) Designation. The director shall approve or deny the application to sell electronically issued licenses based upon the following criteria:**

- a. The need for a license seller in the area;**
- b. The hours the applicant is open for business or general service to the public;**
- c. The potential volume of license sales;**
- d. The apparent financial stability and longevity of the license seller;**
- e. The number of point-of-sale (POS) terminals available to the department; and**
- f. Type of internet connection used for accessing the electronic license sales system (dial up or high speed).**

**If necessary, the department may utilize a waiting list for license sales designation. The order of priority for the waiting list will be determined by the submittal of a complete and correct application and receipt of the required security deposit, as outlined in the application.**

**15.5(4) Issuance of electronic licensing equipment. Upon the director's approval of an application under this rule and designation of a license seller for electronic license sales, the equipment necessary to conduct such sales will be issued to the license seller by the department subject to the following terms and conditions:**

a. Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall furnish to the department an equipment security deposit in an amount to be determined by the department.

b. Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall enter into an electronic license sales agreement with the department which sets forth the terms and conditions of such sales including the authorized amounts to be retained by the license seller.

c. Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall furnish to the department a signed authorization agreement for electronic funds transfer pursuant to subrule 15.5(5).

d. Electronic licensing equipment and supplies must be stored in a manner to provide protection from damage, theft, and unauthorized access. Any damage or loss of equipment or loss of moneys derived from license sales is the responsibility of the electronic license seller.

e. Upon termination of the agreement by either party, all equipment and supplies, as outlined in the agreement, must be returned to the department. Failure to return equipment and supplies in a usable condition, excluding normal wear and tear, will result in the forfeiture of deposit in addition to any other remedies available by law to the department.

15.5(5) License fees. All moneys received from the sale of licenses, less and except the agreed-upon service fee, must be immediately deposited and held in trust for the department of natural resources.

a. All approved applicants must furnish to the department a signed authorization agreement for electronic funds transfer authorizing access by the department to a bank account for electronic transfer of license fees received by the license seller.

b. The amount of money due for accumulated sales will be drawn electronically by the department on a weekly basis. The license seller shall be given notice of the amount to be withdrawn at least two business days before the actual transfer of funds occurs. The license seller is responsible for ensuring that enough money is in the account to cover the amount due for accumulated sales.

c. License sellers may accept or decline payment in any manner other than cash, such as personal checks or credit cards, at their discretion. Checks or credit payments must be made payable to the license seller and not to the department. The license seller shall be responsible for ensuring that the license fee is deposited in the electronic transfer account, regardless of the payment or nonpayment status of any check accepted by the license seller.

15.5(6) Upon the termination of the electronic license sales agreement pursuant to subrule 15.5(7) or 15.5(8), the department may disconnect or otherwise block the license seller's access to the electronic license sales system.

15.5(7) Equipment shut down and termination. The department reserves the right to disconnect the license seller's access to the electronic license system or terminate the seller's electronic license sales agreement for cause. Cause shall include, but is not limited to, the following:

a. Failure by the license seller to deposit license fees into the electronic transfer account in a sum sufficient to cover the amount due for accumulated sales;

b. Charging or collecting any fees in excess of those authorized by law;

c. Discriminating in the sale of a license in violation of state or federal law;

d. Knowingly making a false entry concerning any license sold or knowingly issuing a license to a person who is not eligible for the license issued;

e. The personal, including business, use of license sale proceeds other than the service fee by the license seller;

f. The disconnecting or blocking of access to the electronic license sales system for a period of 30 days or more or

g. Violations of these rules or the terms of the electronic license sales agreement.

Repeated violations of these rules may result in termination of the seller's electronic license sales agreement.

15.5(8) Voluntary termination. A license seller may terminate its designation and the electronic license sales agreement at its discretion by providing written notice to the department. Voluntary termination shall become effective 30 days after the department's receipt of notice.

571—15.6(483A) License depositaries.

15.6(1) Depositary designation. The director may designate a retail business establishment, an office of a government entity, or a nonprofit corporation as a depositary for the sale of hunting and fishing licenses in accordance with the provisions of this rule.

15.6(2) Application. Application forms to act as a depositary may be secured by a written or verbal request to the Department of Natural Resources, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034. Requests for forms may be made through department field staff or field officers. The applicant must provide the following information on the form:

a. The name of the retail business establishment, government entity, or nonprofit corporation, and location(s) and telephone numbers.

b. A general description of the type of retail business establishment, government entity, or nonprofit corporation.

c. The form of ownership if a retail business establishment. If a partnership, the full names and addresses of all partners must be provided. If a corporation, the date and state of incorporation must be provided.

d. If a government entity, the name and title of the responsible official.

e. If a nonprofit corporation, the date and state of incorporation.

f. The hours and days open to the public.

g. The office and residence telephone number of the person signing the application.

h. The name, address, and telephone number of three credit references, including the bank used by the retail business establishment, government entity, or nonprofit corporation.

The application forms contain a statement to be signed agreeing to the terms and conditions as set forth in this rule. The application must be signed by the owner if a sole proprietorship; by a partner if a partnership; if a corporation, by an authorized corporate official; or by the elected or appointed official administratively in charge of the government entity. The signature must be attested to by a notary public.

15.6(3) Security. The applicant under this rule must provide security, either a surety bond from an association or corporation which does the business of assuring the fidelity of others, and which has the authority by law to do business in this state, a collateral assignment of a certificate of deposit, or a letter of credit.

a. Condition of security. A surety bond required by this rule shall generally provide

that the applicant render a true account of, and turn over all moneys, license blanks, and duplicates when requested to do so by the director or an authorized representative, and to comply with all applicable provisions of the application, the Iowa Administrative Code, and the Iowa Code.

b. Amount of security. All forms of security required by this rule shall be in the amount of \$5,000 each, or a larger amount as jointly agreed to by the agency and the depository.

c. Term of bond. The bond required by this rule shall run continuously from the date the application is approved.

d. Termination of bond. The surety or principal may terminate the bond at any time by sending written notice by certified mail, return receipt requested, to the Director, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. The termination shall become effective 30 days after the receipt of the notice by the director.

e. Collateral assignment of a certificate of deposit and letters of credit. Collateral assignments of certificates of deposit and letters of credit shall be subject to the following terms and conditions:

(1) Certificates of deposit shall be assigned to the department, in writing, and the assignment shall be recorded on the books of the bank issuing the certificate.

(2) Banks issuing these certificates shall waive all rights of setoff or liens which they have or might have against these certificates.

(3) Certificates of deposit shall be automatically renewed unless the director approves release of the funds in writing. Letters of credit shall be without reservation and shall remain in effect continuously, or as otherwise agreed to by the director.

(4) The director will release the certificates of deposit or approve the cancellation of a letter of credit upon termination of a license depository agreement if all licenses and moneys have been accounted for satisfactorily, or if the depository provides a satisfactory surety bond in lieu thereof.

15.6(4) Approval of application and security. The director will approve the application upon the receipt of a satisfactory bond, collateral assignment of deposit, or letter of credit and a determination that the credit references are satisfactory. However, the director reserves the right not to approve any application received from a party whose depository agreement has previously been terminated by the department for cause. Upon approval by the director, the agency will provide the depository with license blanks, reporting forms, and instructions.

15.6(5) Depository reporting standards. All depositories shall comply with the following reporting standards:

a. Monthly reports. A full and complete monthly sales report, including duplicate copies of the licenses sold and a check or other monetary instrument in the amount due shall be remitted to the department on a prescheduled due date of the following month. A depository which does not provide the monthly report to the department within 10 days after the due date shall be considered seriously delinquent. However, if the office or business is operated on a seasonal basis, a monthly report is not required for any month that the office or business is not open to the public.

b. Annual report. The annual report for all sales for the calendar year and including the return of all unused license blanks shall be remitted to the department by

January 31 of each year. An annual report shall also be submitted at the time a depositary is terminated for any reason during the calendar year. This report must be received within 15 days after the director receives the notice of termination. A depositary will be considered seriously delinquent if the annual report is not received by February 15.

c. **Accountability.** The depositary shall be fully accountable to the state for all proceeds collected from the sale of licenses. This accountability shall not be diminished by reason of bankruptcy, fire loss, theft loss, or other similar reason.

d. **Probation.** A depositary shall be placed on probation by a notice sent by certified mail, return receipt requested, when any of the following circumstances occur:

(1) A depositary is seriously delinquent for the second time during any consecutive six-month period.

(2) A depositary fails to correct a serious delinquency within ten days.

(3) A check is returned by the bank by reason of insufficient funds.

The probation will be automatically canceled after six months of satisfactory performance.

e. **Termination of depositary.** A depositary may terminate the agreement at any time by notifying the director by certified mail, return receipt requested. The termination shall be effective 30 days after the receipt of the notice by the director, and after the depositary has fully accounted for all moneys and unused license blanks. The director may terminate the depositary agreement and require an immediate and full accounting of all moneys and unused license blanks under any of the following circumstances:

(1) The occurrence of a third serious delinquency during any consecutive six-month period.

(2) Not making an insufficient funds check good within 10 days after proper notice by the director.

(3) Failure to correct a serious delinquency within 15 calendar days.

(4) Knowingly placing a date, other than the correct date, on any license.

(5) Knowingly selling a resident license to a nonresident, or selling a senior citizen or disabled license to a person not qualified for such license.

(6) Charging more than the statutory writing fee.

(7) Refusal to sell a license to any individual by reason of race, creed, nationality, or religion.

(8) Expiration or cancellation of bond, certificate of deposit, or letter of credit.

(9) A depositary fails to make a full and complete monthly sales report and monthly remittance.

(10) A depositary, or employee of a depositary, knowingly makes a false entry on any license being sold, or knowingly issues any license to a person to whom issuance of that license is improper.

15.6(6) **Multiple establishment locations.** An application and security may be submitted for retail business establishments with multiple locations. For purposes of reporting and for determining the amount of the security, each application will be considered on a case-by-case basis and as mutually agreed upon by the depositary and the director.

15.6(7) **Forms for application, bond, monthly report and collateral as assignment.** Copies of required forms may be obtained by writing the License Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319; or by calling (515)281-8688.

571—15.7(483A) Lost or destroyed license blanks.

**15.7(1) Accountability for license blanks.** Whenever a depositary appointed by the director or a county recorder requests to be relieved from accountability for license blanks that have been lost or destroyed, the depositary or recorder shall file a bond for the face value of such lost or destroyed license blanks and provide an explanation to the director.

**15.7(2) Explanation.** The depositary or recorder shall submit a written statement in the form of an affidavit regarding the facts and circumstances surrounding the alleged loss or destruction. Pictures, drawings, or other pertinent information may be attached and referenced in the statement. The loss or destruction must relate to one or a combination of the following reasons:

- a. Loss or destruction by fire.
- b. Loss from theft.
- c. Loss while in transit.
- d. Loss from natural causes, including but not limited to floods, tornadoes, and severe storms.
- e. Loss or accidental destruction in a course of normal business operations or facility maintenance and repair.

The statement must also include a specific description of the precautions and procedures normally utilized by the recorder or depositary to prevent or to guard against the loss or destruction described, and a further statement as to why the precautions or procedures failed in this particular instance.

**15.7(3) Review and determination by director.** The director shall consider the written explanation as provided. The director shall also consider the past record of the depositary or recorder regarding losses and destructions; the past record of the depositary or recorder regarding prompt and accurate reporting; and may direct further investigations into the circumstances and facts by department staff.

If the director determines that the depositary or recorder exercised reasonable and prudent care, the director shall relieve the depositary or recorder of accountability upon the filing of a bond.

If the director determines that there was gross negligence by the depositary or recorder and holds the depositary or recorder accountable, the depositary or recorder may file a request for a contested case proceeding as provided in the Iowa Administrative Code 571—Chapter 7.

**15.7(4) Bond.** The depositary or recorder shall provide a bond in the amount of the face value of the lost or destroyed licenses on a bond form provided by the department. The bond will be conditioned to the effect that the depositary or recorder agrees to surrender the subject licenses to the department in the event that they are located at any future time; or in the event of proof showing that any or all of the subject licenses have been issued, the depositary, recorder, or sureties jointly and severally agree to pay the state the face value of all licenses covered by the bond.

For a face amount of \$500 or less, the personal bond of the depositary or recorder is sufficient. One additional personal surety is required for a face amount up to \$1,000; and two personal sureties, in addition to the depositary or recorder, are required if the face amount is over \$1,000.

A corporate surety authorized to do business in Iowa may be provided in lieu of the



personal sureties required, in addition to the depositary or recorder.

The value assigned to a lost or destroyed blank license form shall be \$25. This amount will be paid by the depositary to the department, except as relief from such payment is provided according to subrules 15.7(1) to 15.7(3).

571—15.8(483A) Refunds or changes for special deer and turkey licenses and general licenses.

15.8(1) **Invalid applications.** Deer and turkey license applications that are received too late for processing after the closing date for acceptance of applications or applications that are invalid on their face will be returned unopened to the applicant. License fees related to applications which are determined to be invalid by a computer analysis or other analysis after the applications have been processed will be refunded to the applicant, less a \$10 invalid application fee to compensate for the additional processing cost related to an invalid application.

15.8(2) **Death of applicant.** Deer or turkey license fees will be refunded to the applicant's estate when the licensee's death predates the season for which the license was issued and a written request is received from the licensee's spouse, executor or estate administrator within 90 days of the last date for which the license was issued.

15.8(3) **National or state emergency.** Deer or turkey license fees will be refunded if the licensee is a member of the National Guard or a reserve unit and is activated for a national or state emergency which occurs during the season for which the license was issued. A written refund request must be received by the DNR within 90 days of the last date of the season for which the license was issued.

15.8(4) **License changes.** The agency will attempt to change an applicant's choice of season or type of license if a written or telephonic request is received by the license bureau in sufficient time, usually 20 days, prior to printing the license, and if the requested change does not result in disadvantage to another applicant. Telephonic change requests must be verified in writing by the requester before a change request will be honored. The agency's ability to accommodate requests to change season or license type is dependent on workload and processing considerations. If the agency cannot accommodate a request to change a season or type choice, the license will be issued as originally requested by the applicant. No refund will be allowed. The agency will not change the name on the license from that submitted on the application.

15.8(5) **General hunting and fishing licenses duplicate purchase.** Upon a showing of sufficient documentation, usually a photocopy of the licenses, that more than one hunting or fishing license was purchased by or for a single person, the agency will refund the amount related to the duplicate purchase. A written refund request, with supporting documentation, must be received by the license bureau within 90 days of the date on the face of the duplicate licenses.

15.8(6) **Other refund requests.** Except as previously described, the agency will not issue refunds for any licenses, stamps or licenses related to fishing and hunting.

571—15.9 to 15.15(483A) Reserved.

## DIVISION II MULTIPLE OFFENDER AND WILDLIFE VIOLATOR COMPACT

571—15.16(481A,481B,482,483A,484A,484B) Multiple offenders—revocation and suspension

of hunting, fishing, and trapping privileges from those persons who are determined to be multiple offenders.

**15.16(1) Definitions.** For the purpose of this rule, the following definitions shall apply:

**“Department”** means the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034.

**“License”** means any paid or free license, permit, or certificate to hunt, fish, or trap listed in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716, including the authorization to hunt, fish, or trap pursuant to any reciprocity agreements with neighboring states.

**“Licensee”** means the holder of any license.

**“Multiple offender”** means any person who has equaled or exceeded five points for convictions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 during a consecutive three-year period as provided in 15.6(3).

**“Revocation”** means the taking or cancellation of an existing license.

**“Suspension”** means to bar or exclude one from applying for or acquiring licenses for future seasons.

**15.16(2) Record-keeping procedures.** For the purpose of administering this rule it shall be the responsibility of the clerk of district court for each county to deliver, on a weekly basis, disposition reports of each charge filed under Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

a. License suspensions. In the event of a license suspension pursuant to Iowa Code section 481A.133, the clerk of court shall immediately notify the department.

b. Entering information. Upon receipt of the information from the clerks of court, the department will, on a weekly basis, enter this information into a computerized system that is directly accessible by the department of public safety communications system for use by the department’s license bureau, and all state and local law enforcement officers. Direct access through the department of public safety communications system will be available as soon as practical and is dependent on the development of appropriate computer linkage by the department of public safety.

c. Disposition report information. Information from the disposition report that will be entered into a computerized system which includes but may not be limited to the following:

County of violation, name of defendant, address of defendant, social security or driver’s license number, date of birth, race, sex, height, weight, date and time of violation, charge and Iowa Code section, officer name/C-number who filed charge, and date of conviction.

**15.16(3) Point values assigned to convictions.** For the purposes of defining a multiple offender the person shall be classified as a multiple offender when the person equals or exceeds a total of five points during a consecutive three-year period using the values attached to the following offenses. Multiple citations and convictions of the same offense will be added as separate convictions:

a. Convictions of the following offenses shall have a point value of three attached to them:

(1) Illegal sale of birds, game, fish, or bait.

- (2) More than the possession or bag limit for any species of game or fish.
  - (3) Hunting, trapping, or fishing during the closed season.
  - (4) Hunting by artificial light.
  - (5) Hunting from aircraft, snowmobiles, all-terrain vehicles or motor vehicle.
  - (6) Any violation involving threatened or endangered species.
  - (7) Any violations of Iowa Code chapter 482 except sections 482.6 and 482.14.
  - (8) Any violation of nonresident license requirements.
  - (9) No fur dealer license (resident or nonresident).
  - (10) Illegal taking or possession of protected nongame species.
  - (11) The taking of any fish, game, or furbearing animal by illegal methods.
  - (12) Illegal taking, possession, or transporting of a raptor.
  - (13) Hunting, fishing, or trapping while under license suspension or revocation.
  - (14) Illegal removal of fish, minnows, frogs, or other aquatic wildlife from a state fish hatchery.
  - (15) Any fur dealer violations except failure to submit a timely annual report.
  - (16) Any resident or nonresident making false claims to obtain a license.
  - (17) Illegal taking or possession of hen pheasant.
  - (18) Applying for or acquiring a license while under suspension or revocation.
  - (19) For a repeat offense of acquiring a hunting license without hunter safety certification.
  - (20) Taking game from the wild—see Iowa Code section 481A.61.
  - (21) Violation of Iowa Code section 483A.27(7).
  - (22) Any violation of Iowa Code Supplement section 716.8 as amended by 2008 Iowa Acts, House File 2612, section 21, while hunting deer.
- b. Convictions of the following offenses shall have a point value of two attached to them:
- (1) Hunting, fishing, or trapping on a refuge.
  - (2) Illegal possession of fur, fish, or game.
  - (3) Chasing wildlife from or disturbing dens.
  - (4) Trapping within 200 yards of an occupied building or private drive.
  - (5) Possession of undersized or oversized fish.
  - (6) Snagging of game fish.
  - (7) Shooting within 200 yards of occupied building or feedlot.
  - (8) No valid resident license relating to deer or turkey.
  - (9) Illegal importation of fur, fish, or game.
  - (10) Failure to exhibit catch to an officer.
  - (11) Trapping or poisoning game birds, or poisoning game animals.
  - (12) Violations of Iowa Code section 481A.64 pertaining to private fish hatcheries.
  - (13) Violations of the fur dealers reporting requirements.
  - (14) Violation of Iowa Code section 481A.126 pertaining to taxidermy.
  - (15) Loaded gun in a vehicle.
  - (16) Attempting to take any fish, game, or furbearing animals by illegal methods.
  - (17) Attempting to take game before or after legal shooting hours.
  - (18) Wanton waste of fish, game or furbearing animals.
  - (19) Illegal discharge of a firearm pursuant to Iowa Code section 481A.54.
  - (20) Any violation of Iowa Code section 482.14 pertaining to commercial fishing.

**(21) Failure to tag deer or turkey.**

**(22) Applying for or obtaining more than the legal number of licenses allowed for deer or turkey.**

**(23) Illegal transportation of game, fish or furbearers.**

**(24) Violation of Iowa Code section 483A.27, except subsection (7).**

**c. All other convictions of provisions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B shall have a point value of one attached to them.**

**15.16(4) Length of suspension or revocation.**

**a. The term of license suspension or revocation shall be determined by the total points accumulated during any consecutive three-year period, according to the following: 5 points through 8 points is one year, 9 points through 12 points is two years, and 13 points or over is three years.**

**b. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(2) shall have an additional suspension of one year. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(3) shall have an additional suspension of two years. Any person convicted of a violation of any provision of Iowa Code chapters 481A, 481B, 482, 483A, 484A, and 484B under the circumstances described in Iowa Code subsection 481A.135(4) shall have an additional suspension of three years. The foregoing provisions apply whether or not a person has been found guilty of a simple misdemeanor, serious misdemeanor or aggravated misdemeanor pursuant to Iowa Code subsections 481A.135(2), 481A.135(3) and 481A.135(4). If a magistrate suspends the privilege of a defendant to procure another license and the conviction contributes to the accumulation of a point total that requires the department to initiate a suspension, the term of suspension shall run consecutively up to a maximum of five years. After a five-year suspension, remaining time will be calculated at a concurrent rate.**

**15.16(5) Points applicable toward suspension or revocation. If a person pleads guilty or is found guilty of an offense for which points have been established by this rule but is given a suspended sentence or deferred sentence by the court as defined in Iowa Code section 907.1, the assigned points will become part of that person's violation record and apply toward a department suspension or revocation.**

**15.16(6) Notification of intent to suspend or revoke license. If a person reaches a total of five or more points, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7.**

**15.16(7) Dates of suspension or revocation. The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in 15.16(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.**

**15.16(8) Magistrate authority. This chapter does not limit the magistrate authority as described in Iowa Code section 483A.21.**

**15.16(9) Suspension for failure to comply with a child support order. The**

department is required to suspend or deny all licenses of an individual upon receipt of a certificate of noncompliance with child support obligation from the Iowa child support recovery unit pursuant to Iowa Code section 252J.8(4).

a. The receipt by the department of the certificate of noncompliance shall be conclusive evidence. Pursuant to Iowa Code section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action taken due to the department's receipt of a certificate of noncompliance with a child support obligation but may seek a hearing in district court in accordance with Iowa Code section 252J.9.

b. Suspensions for noncompliance with a child support obligation shall continue until the department receives a withdrawal of the certificate of noncompliance from the Iowa child support recovery unit.

c. After the department receives a withdrawal of the certificate of noncompliance, an individual may obtain a new license upon application and the payment of all applicable fees.

571—15.17(456A) Wildlife violator compact. The department has entered into the wildlife violator compact (the compact) with other states for the uniform enforcement of license suspensions. The compact, a copy of which may be obtained by contacting the department's law enforcement bureau, is adopted herein by reference. The procedures set forth in this rule shall apply to license suspensions pursuant to the wildlife violator compact.

15.17(1) Definitions. For purposes of this rule, the following definitions shall apply: "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or through the payment of all fines, costs, and surcharges, if any.

"Department" means the Iowa department of natural resources.

"Home state" means the state of primary residence of a person.

"Issuing state" means a participating state that issues a fish or wildlife citation to a person.

"License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any fish or wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

"Participating state" means any state which enacts legislation to become a member of the wildlife violator compact. Iowa is a participating state pursuant to Iowa Code section 456A.24(14).

15.17(2) Suspension of licenses for noncompliance. Upon the receipt of a valid Notice of Failure to Comply, as defined in the compact, the department shall issue a notice of suspension to the Iowa resident. The notice of suspension shall:

a. Indicate that all department-issued hunting (including furbearer) or fishing licenses shall be suspended, effective 30 days from the receipt of the notice, unless the department receives proof of compliance.

b. Inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information in regard to the court (name, address, telephone number) must be provided in the notice of suspension.

c. Notify the license holder of the right to appeal the notice of suspension within 30

days of receipt. Said appeal shall be conducted pursuant to 571—Chapter 7 but shall be limited to the issues of whether the person so notified has a pending charge in the issuing state, whether the person has previously received notice of the violation from the issuing state, and whether the pending charge is subject to a license suspension for failure to comply pursuant to the terms of the compact.

d. Notify the license holder that, prior to the effective date of suspension, a person may avoid suspension through an appearance in the court with jurisdiction over the underlying violations or through the payment of all fines, costs, and surcharges associated with the violations.

e. Indicate that, once a suspension has become effective, the suspension may only be lifted upon the final resolution of the underlying violations.

15.17(3) Reinstatement of licenses. Any license suspended pursuant to this rule may be reinstated upon the receipt of an acknowledgement of compliance from the issuing state, a copy of a court judgment, or a certificate from the court with jurisdiction over the underlying violations and the payment of applicable Iowa license fees.

15.17(4) Issuance of notice of failure to comply. When a nonresident is issued a citation by the state of Iowa for violations of any provisions under the jurisdiction of the natural resource commission which is covered by the suspension procedures of the compact and fails to timely resolve said citation by payment of applicable fines or by properly contesting the citation through the courts, the department shall issue a notice of failure to comply.

a. The notice of failure to comply shall be delivered to the violator by certified mail, return receipt requested, or by personal service.

b. The notice of failure to comply shall provide the violator with 14 days to comply with the terms of the citation. The violator may avoid the imposition of the suspension by answering a citation through an appearance in a court or through the payment of all fines, costs, and surcharges, if any.

c. If the violator fails to achieve compliance, as defined in this rule, within 14 days of receipt of the notice of failure to comply, the department shall forward a copy of the notice of failure to comply to the home state of the violator.

15.17(5) Issuance of acknowledgement of compliance. When a person who has previously been issued a notice of failure to comply achieves compliance, as defined in this rule, the department shall issue an acknowledgement of compliance to the person who was issued the notice of failure to comply.

15.17(6) Reciprocal recognition of suspensions. Upon receipt of notification from a state that is a member of the wildlife violator compact that the state has suspended or revoked any person's hunting or fishing license privileges, the department shall:

a. Enter the person's identifying information into the records of the department.

b. Deny all applications for licenses to the person for the term of the suspension or until the department is notified by the suspending state that the suspension has been lifted.

571–15.18 to 15.20 Reserved.

### DIVISION III SPECIAL LICENSES

571—15.21(483A) Fishing license exemption for patients of substance abuse facilities.

15.21(1) Definition. For the purpose of this rule, the definition of “substance abuse

facility” is identical to the definition of “facility” in Iowa Code subsection 125.2(2).

**15.21(2) Procedure.** Each substance abuse facility may apply to the department of natural resources for a license exempting patients from the fishing license requirement while fishing as a supervised group as follows:

a. Application shall be made on a form provided by the department and shall include the name, address and telephone number of the substance abuse facility including the name of the contact person. A general description of the type of services or care offered by the facility must be included as well as the expected number of participants in the fishing program and the water bodies to be fished.

b. A license will be issued to qualifying substance abuse facilities and will be valid for all patients under the care of that facility.

c. Patients of the substance abuse facility must be supervised by an employee of the facility while fishing without a license pursuant to this rule. An employee of the substance abuse facility must have the license in possession while supervising the fishing activity of patients.

d. Notwithstanding the provisions of this rule, each employee of the substance abuse facility must possess a valid fishing license while participating in fishing.

571—15.22(481A) Authorization to use a crossbow for deer and turkey hunting during the bow season by handicapped individuals.

**15.22(1) Definitions.** For the purpose of this rule:

“Bow and arrow” means a compound, recurve, or longbow.

“Crossbow” means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string which is controlled by a mechanical or electric trigger and a working safety.

“Handicapped” means a person possessing a physical impairment of the upper extremities that makes a person physically incapable of shooting a bow and arrow. This includes difficulty in lifting and reaching with arms as well as difficulty in handling and fingering.

**15.22(2) Application for authorization card.** An individual requesting use of a crossbow for hunting deer or turkey must submit an application for an authorization card on forms provided by the department. The application must include a statement signed by the applicant’s physician declaring that the individual is not physically capable of shooting a bow and arrow. A first-time applicant must submit the authorization card application no later than ten days before the last day of the license application period for the season the person intends to hunt.

**15.22(3) Authorization card—issuance and use.** Approved applicants will be issued a card authorizing the individual to hunt deer and turkey with a crossbow. The authorization card must be carried with the license and on the person while hunting deer and turkey and must be exhibited to a conservation officer upon request.

**15.22(4) Validity and forfeiture of authorization card.** A card authorizing the use of a crossbow for hunting deer and turkey will be valid for as long as the person is incapable of shooting a bow and arrow. If a conservation officer has probable cause to believe the person’s handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department may, upon the officer’s request, require the person to obtain in writing a current physician’s statement.

If the person is unable to obtain a current physician’s statement confirming that the person is incapable of shooting a bow and arrow, the department may initiate action to revoke the

authorization card pursuant to rule 571—Chapter 7.

**15.22(5) Restrictions.** Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer or turkey. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead with at least three blades.

571—15.23(483A) Free hunting and fishing license for low-income persons 65 years of age and older, or low-income persons who are permanently disabled.

**15.23(1) Purpose.** Pursuant to Iowa Code subsection 483A.24(14), the department of natural resources will issue a free annual combination hunting and fishing license to low-income persons who meet the age status or permanently disabled status as defined.

**15.23(2) Definitions.**

“Age status” means a person who has achieved the sixty-fifth birthday.

“Low-income person” means a person who is a recipient of a program administered by the state department of human services for persons who meet low-income guidelines.

“Permanently disabled” means a person who meets the definition in Iowa Code section 483A.4.

**15.23(3) Procedure.** Each person shall apply to the department of natural resources for a license as follows:

a. Application shall be made on a form provided by the department and shall include the name, address, height, weight, color of eyes and hair, date of birth, and gender of the applicant. In addition, applicants shall include a copy of an official document such as a birth certificate if claiming age status, or a copy of an award letter from the Social Security Administration or private pension plan if claiming permanent disabled status. The applicant shall indicate on the application which low-income assistance program the applicant is receiving. The application shall include an authorization allowing the department of human services to verify that the applicant is a recipient of the low-income assistance program checked on the application.

b. The free annual combination license will be issued by the department upon receipt of a properly completed application. The license will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain a free license.

c. A person whose income falls below the federal poverty guidelines, but is not a recipient of a state assistance program, may apply for this license by providing the following:

(1) A statement listing income from all sources (i.e., social security, retirement income, wages, dividends and interest, cash gifts, rents and royalties, and other cash income).

(2) A copy of any available document that verifies income (i.e., income tax return, bank statement, social security statement, or other document the applicant considers supportive of income status).

(3) A signed statement by the applicant that the applicant’s annual cash income does not exceed the federal poverty limit for the current year.

Federal poverty guidelines are published in February of each year and will be the income standard for applicants from that time until the new limits are available in the subsequent year. The income limit will be shown on the application and will be available upon request



from the department.

571—15.23(483A) Free lifetime fishing license for persons who have severe physical or mental disabilities.

**15.23(1) Purpose.** Pursuant to Iowa Code subsection 483A.24(9), the department of natural resources will issue a free lifetime fishing license to Iowa residents 16 or more years of age who have severe mental or physical disabilities who meet the definitions of “Severe mental disability” and “Severe physical disability” in 15.23(2).

**15.23(2) Definitions.** For the purposes of this rule, the following definitions apply: “Severe mental disability” means a person who has severe, chronic conditions in all of the following areas which:

1. Are attributable to a mental impairment or combination of mental and physical impairments;

2. Are likely to continue indefinitely;

3. Result in substantial functional limitations in three or more of the following areas of major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and

4. Reflect the person’s need for a combination and sequence of services which are of lifelong or an extended duration and are individually planned and coordinated.

“Severe physical disability” means a disability that limits or impairs the person’s ability to walk under any of the following circumstances:

1. The person cannot walk 200 feet without stopping to rest.

2. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.

3. The person is restricted by lung disease to such an extent that the person’s forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.

4. The person must use portable oxygen.

5. The person has a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association. They include:

i. Class 3—Persons with cardiac disease resulting in marked limitation of physical activity. The person is comfortable at rest, but less than ordinary activity causes fatigue, palpitation, dyspnea, or angina pain.

ii. Class 4—Persons with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of heart failure or the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

6. The person is severely limited in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.

**15.23(3) Procedure.** Each person shall apply to the department of natural resources for a license as follows:

a. Application shall be made on a form provided by the department and shall include the name, address, home telephone number, height, weight, eye and hair color, date of birth, and gender of the applicant.

b. The application shall be signed and certified by the applicant’s attending physician and, based upon the criteria listed in this rule, declare that the applicant has a severe mental or physical disability.

571—15.24(483A) Transportation tags for military personnel on leave from active duty.

15.24(1) **Military transportation tags for deer and turkey.** The military transportation tag shall include the following information: name, birth date, current address of military person; species and sex of animal taken; date of kill; and weapon used. Only conservation officers of the department shall be authorized to issue military transportation tags.

15.24(2) **Annual limit for military transportation tags.** A person receiving a military transportation tag shall be limited to one military deer tag and one military turkey tag annually.

15.24(3) **Regulations apply to military personnel.** With the exception of the license requirement exemption set forth in Iowa Code section 483A.24(6), all hunting and fishing regulations shall apply to active duty military personnel.

571—15.25 to 15.40 Reserved.

#### DIVISION IV

##### EDUCATION AND CERTIFICATION PROGRAMS

571—15.41(483A) Hunter safety and ethics education program. This rule clarifies the term hunting license as used in Iowa Code section 483A.27 in relation to the hunter safety and ethics education course requirement, clarifies the need for exhibiting a hunter safety and ethics education course certificate when applying for a deer or wild turkey license, and explains the requirements for individuals who wish to demonstrate their knowledge of hunter safety and ethics to qualify for purchase of an Iowa hunting license.

571—15.42(483A) Testing procedures.

15.41(1) **General testing procedures.** Upon completion of the required curriculum, each person shall score a minimum of 75 percent on the written or oral test provided by the department and demonstrate safe handling of a firearm. Based on the results of the written or oral test and demonstrated firearm safe handling techniques as prescribed by the department, the volunteer instructor shall determine the persons who shall be issued a certificate of completion.

15.41(2) **Special testing out provisions.** Any person born after January 1, 1967, who does not complete the required ten-hour hunter safety and ethics course (as described in Iowa Code section 483A.27, subsection (1)), must meet the following requirements to be eligible to purchase an Iowa hunting license:

a. To comply with Iowa Code section 483A.27, subsection (5), an individual must pass a written examination compiled by the department of natural resources under the direct supervision of a state conservation officer or certified hunter safety instructor.

b. If the applicant does not pass the examination by a score of 95 percent or more, the applicant must then wait seven days to take the examination again.

c. If the applicant does not pass the second examination with a score of 95 percent or more, the applicant must successfully complete the ten-hour safety and ethics course to obtain a certificate of completion (as described in Iowa Code section 483A.27, subsection (2)).

15.41(3) **Exemptions.** The following groups of individuals do not need hunting licenses and therefore do not need to satisfactorily complete a hunter safety and ethics education course:

a. Landowners and tenants. Owners or tenants of land and their children when hunting on the land which they own or on which they are tenants.

b. Residents under 16. Residents of the state under 16 years of age accompanied by their parent or guardian or in the company of any other competent adult if the adult accompanying said minor possesses a valid hunting license, providing, however, there is one licensed adult accompanying each person under 16 years of age.

15.41(4) Deer and wild turkey license applications. Individuals are not required to exhibit a certificate showing satisfactory completion of a hunter safety and ethics education course only when applying for a deer or wild turkey license.

571—15.42(321G,462A,483A) Volunteer bow and fur harvester education instructors, snowmobile and all-terrain vehicle (ATV) safety instructors, boating safety instructors and hunter education instructors.

15.42(1) Purpose. Pursuant to Iowa Code sections 321G.23(2), 462A.3 and 483A.27(4), the department will certify volunteer instructors to teach bow, fur harvester, snowmobile, ATV, boating and hunter education courses.

15.42(2) Definitions. For the purpose of this rule:  
“Certified instructor” means a person who has met all criteria in this rule for one or more of the above-named courses.

“Course” means the department’s bow, fur harvester, snowmobile, ATV, boating and hunter education and ethics courses.

“Department” means the department of natural resources.

“Instructor applicant” means a person who has applied to become a certified volunteer instructor for one of the above-named courses.

15.42(3) Minimum qualifications. The following conditions must be satisfied before any person can become a certified instructor. Failure to meet these conditions will result in the denial of the application. An applicant may be disqualified if the applicant has accumulated any habitual offender points pursuant to rule 571—15.16(481A), or other license suspension by the court or department. The instructor applicant will be notified of the denial by the recreational safety coordinator. An instructor applicant shall:

a. Submit an application as provided by the department to the local conservation officer or recreational safety officer.

b. Be at least 18 years of age.

c. Have experience in handling equipment, such as firearms, bows and arrows, furbearer traps, snowmobiles, ATVs and various navigational vessels, that is necessary for the various prescribed courses.

d. Have completed the course as defined in subrule 15.42(2).

e. Attend and pass an instructor’s training and certification course administered by the department.

f. Submit to a background check. This check will include, but not be limited to, a criminal history check as provided by the department of public safety. A record of a felony conviction will disqualify the applicant. A record of serious or aggravated misdemeanors may disqualify the applicant based on type of offense and year committed.

g. Successfully complete the apprenticeship as required in subrule 15.42(4).

15.42(4) Instructor applicant apprenticeship. In addition to subrule 15.42(3), the following conditions must be satisfied to complete the instructor applicant apprenticeship:

a. Participate in one course.

**b. Apprentice with a certified instructor.**

The recreational safety officer may make the determination as to which certified instructor will be supervising the instructor applicant during the apprenticeship.

**15.42(5) Certified education instructor responsibilities.** A certified instructor has the following responsibilities:

**a. To complete all prerequisites to becoming an instructor as provided in subrules 15.42(3) and 15.42(4).**

**b. To follow all policies and procedures as set forth in the current "Instructor Procedures Manual."**

**c. To assist in the recruitment and training of additional volunteer instructors.**

**d. To recruit and train students in the applied-for prescribed course program.**

**e. To actively promote the program in the instructor's county and to arrange for publicity for each new class.**

**f. To maintain order and discipline in the classroom and outdoor classroom at all times.**

**g. To accurately fill out required forms and reports for each class and mail that material to the recreational safety coordinator within 15 days after completion of the course.**

**h. To teach the course as prescribed by the department.**

**i. To maintain a file on all students that the instructor teaches.**

**j. To actively participate in one course every two years. If this requirement is not met, the instructor's certification may be terminated after notification by letter by the recreational safety coordinator. The person may reapply to become a volunteer safety education instructor pursuant to subrule 15.42(3).**

**k. To attend a minimum of one continuing education instructor workshop every three years for hunter education as provided by the department.**

**15.42(6) Grounds for revocation of instructor certification.** The department may, at any time, seek to revoke the instructor certification of any person who:

**a. Fails to meet the instructor responsibilities as outlined in subrules 15.42(4) and 15.42(5).**

**b. Fails to follow the policies and procedures as set forth in the current "Instructor Procedures Manual."**

**c. Falsifies any information as may be required by the department.**

**d. Handles any equipment in an unsafe manner, or allows any student or other instructor to handle equipment in a reckless or unsafe manner.**

**e. Is convicted of or forfeits bond for any fish and game, snowmobile, ATV or navigation violation of this state or any other state.**

**f. Uses abusive or foul language while conducting a course.**

**g. Participates in a course while under the influence of alcohol or any illegal drug.**

**h. Has substantiated complaints filed against the instructor by the public, department personnel or other certified instructor(s).**

**i. Fails to meet the requirements in subrule 15.42(5), paragraphs "j" and "k."**

**j. Is convicted of a felony or an aggravated or serious misdemeanor as defined in the statutes of this state. This would also include any felonies or comparable misdemeanors of any other state.**

**k. Receives compensation directly or indirectly from students for time spent**

preparing for or participating in a course.

15.42(7) Termination of certification. Any certified instructor has the right, at any time, to voluntarily terminate certification. If an instructor voluntarily terminates certification or certification is terminated by the department, the instructor must return to the department the certification card and all materials that were provided.

15.42(8) Compensation for instructors. Instructor applicants and certified instructors shall not receive any compensation for their time either directly or indirectly from students while preparing for or participating in a course. However, instructor applicants and certified instructors may require students to pay for actual course-related expenses involving facilities, meals or materials other than those provided by the department.

15.42(9) Hearing rights. If the department seeks to revoke an instructor certification pursuant to subrule 15.42(6), the department shall provide written notice of intent to revoke the certification as provided in 571—Chapter 7. If the certified instructor requests a hearing, it shall be conducted in accordance with 571—Chapter 7.

These rules are intended to implement Iowa Code chapters 321G, 456A, 462A, 481A, 481B, 482, 483A, 484A, and 484B.

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Date

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Richard A. Leopold, Director

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